

**REGULAR CITY COUNCIL MEETING MINUTES
APRIL 10, 2007 - 7:00 P.M.**

Mayor Nolan called the City Council meeting to order at 7:00 p.m. and led the pledge to the flag. Clerk Wells called roll. Aldermen present: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. Also present were Treasurer Meseck, City Administrator Nelson, Code Enforcement Officer Brennecka, Asst. Public Works Supt. Kruckenberg and City Attorney Carlos Arévalo.

AUDIENCE PARTICIPATION: NONE

REGULAR CITY COUNCIL MEETING MINUTES OF 03/27/07 - APPROVED

Moved by Perkins, seconded by Marzahl to approve the Regular City Council Meeting Minutes of March 27, 2007. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Logan, Adams, Perkins and Hay. All ayes. Motion carried.

PLANNING & ZONING COMMISSION RECOMMENDATIONS AND FINDING OF FACTS

Accessible Space, Inc Variation Request Required Number of Parking Spaces for 16 Unit Supportive Living Apartment
Chairman Hay noted the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on April 3, 2007, for a hearing in the petition of Accessible Space, Inc. (Optionee) and Stricker Trust (Owner) for the proposed ASI Harvard Supportive Living 16 Unit Apartment to be located on the east side of Howard St., south of Metzen St. With respect to the petitioners' request for a variation to reduce the number of parking spaces from the requirement of 2 spaces per dwelling unit to 1.5 spaces per dwelling unit, the Planning and Zoning Commission hereby recommends approval of the Petitioner's request for a variation with the following condition: if the primary purpose of the property as housing for disabled persons is discontinued, the variation would be rescinded and property owners would be required to put in the additional eight parking spaces pursuant to Section 17.32.050, Table 11.

Mr. Billy of Tyson and Billy Architects, 4000 Morsay Dr., Rockford, IL addressed the City Council and reviewed ASI's petition requesting a variation to reduce the number of parking spaces from 2 per unit to 1.5. City ordinance would require 32 spaces plus 2 handicapped; the proposed parking provides 24 spaces which includes 8 handicapped spaces. The City Council discussed with the architect the possibility of adding four spaces (non-handicap) which would then meet the City requirements; if the apartments were ever converted to regular apartments, the parking could be restriped for the required 32 spaces plus two handicapped spaces. Administrator Nelson suggested a one-way drive with parallel parking. Tyson and Billy will put in the four additional spaces as discussed. Moved by Hay, seconded by Logan to deny the Planning and Zoning Commission's recommendation to approve the variation from Section 17.32.050, Table 11. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Motion approved eight to zero.

VARIATION TO WAIVE INDOOR PARKING SPACE REQUIREMENT – ORD. 2007-108 APPROVED

The City Council reviewed the petition for a variation from Section 19.14(C) submitted by Accessible Space Inc. to waive the requirement of one indoor parking space per unit for any multifamily dwelling unit. Moved by Logan, seconded by Marzahl to grant the variation, with a sunset provision on the ordinance that the variation would expire should the housing for disabled persons be discontinued and to record the both the ordinance and a memorandum of ordinance. Roll call vote: Marzahl, aye; Ulmer, no; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Ordinance 2007-108 approved seven to one.

BID OPENING SURPLUS PROPERTY AT 650 CHIPPEWA

One bid was received for the surplus property (incubator building) at 650 Chippewa Dr. Clerk Wells opened the bid submitted by All World Machinery Supply, Inc. and noted that the bid meets all the qualifications as published and is in the amount of \$400,000. Moved by Logan, seconded by Adams to accept the bid from All World Machinery Supply, Inc. Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Marzahl, aye. Motion approved eight to zero.

COMMUNITY SAFETY NET PEDDLER & SOLICITOR PERMIT WAIVER REQUEST - APPROVED

Donna Holmes, 911 Woodridge Dr., Rockford, IL addressed the City Council for a waiver of permit fees for a Peddler's and Solicitor's License submitted by Community Safety Net. The company solicits area businesses to sponsor the drug safety books valued at \$15 each; the number of books distributed are dependent on the sponsorship levels. Mayor Nolan recommended that the City waive the \$500 permit fee in exchange for the City being considered a sponsor and receiving 33 books. Donna stated she didn't have the authority to grant the request, but would check with her boss. Moved by Logan, seconded by Adams to waive the peddler's and solicitor permit fee in exchange for the City receiving sponsorship and books. Roll call vote: Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Motion approved eight to zero.

RAY & NANCY'S TAP PERMIT REQUEST TO ENCROACH ON CITY SIDEWALK/OUTDOOR CONSUMPTION OF LIQUOR ON JUNE 2, 2007 - APPROVED

The City Council reviewed Ray & Nancy's Tap request for Saturday, June 2nd, to erect a 7' plastic safety fence surrounding the sidewalk area in front of Ray & Nancy's Tap to allow their patrons to have alcohol outside within this area. No alcohol will be sold outside and no speakers for music will be placed outside. Moved by Perkins, seconded by Hay to approve Ray & Nancy's Tap request granting a permit to encroach on the sidewalk with the fence erected pursuant to their request and to allow alcohol to be consumed outdoors; fee is \$100. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Motion approved eight to zero.

VENDING LICENSE APPLICATION GUACAMOLE RESTAURANT - APPROVED

Moved by Logan, seconded by Adams to approve the Vending License Application submitted by Guacamole Restaurant, 5204 S. US Highway 14, in the amount of \$60. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye and Adams, aye. Motion approved eight to zero.

ORDINANCE PERTAINING TO MRM DEVELOPMENT – ORD. 2007-109 APPROVED

Administrator Nelson updated the City Council with respect to MRM Land Refinement; Ordinance 2005-153 was not executed awaiting submission of a plat of subdivision by the petitioners. The petitioners are ready to proceed with the zoning and conditional use permits for subject property. Moved by Perkins, seconded by Marzahl to approve Ordinance 2007-108, Rezoning a Portion of Property from R-1 Residential District to B-3 Commercial District, Issuing Conditional Use Permits for a Shopping Center and Storage Facility and Repealing Ord. 2005-153 Regarding the Property Located on the North Side of McGuire Road, East of U.S. Route 14. Roll call vote: Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye and Logan, aye. Ordinance 2007-109 approved eight to zero.

PROCLAMATION APRIL AS DONATE THE GIFT OF LIFE MONTH - APPROVED

Moved by Perkins, seconded by Logan to approve a proclamation designating April, 2007, as *Donate the Gift of Life* Month in the City of Harvard. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Logan, Adams, Perkins and Hay. All ayes. Motion carried.

CONSENT AGENDA:

☞ Women for Harvard Raffle Request, April 30th

Moved by Logan, seconded by Adams to approve the Consent Agenda as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Logan, Adams, Perkins and Hay. All ayes. Motion carried.

COMMITTEE REPORTS

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$105,021.17. Roll call vote: Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye and Perkins, aye. Motion approved eight to zero.

ALD. ULMER – PUBLIC PROPERTY COMMITTEE MEETING 04/17/07

Chairman Ulmer called a Public Property Committee Meeting for Tuesday, April 17, 2007 at 6:30 p.m. to discuss the downtown streetscape.

MAYOR’S REPORT

Mayor Nolan noted the MCCOG Meeting on Wednesday, April 25th at 6 p.m. at Crandall’s Restaurant in Hebron. The Mayor welcomed Clayton Brennecka Code Enforcement Officer,, who was in attendance if any of the aldermen wished to meet him.

ADMINISTRATOR’S REPORT

Administrator Nelson noted a copy of his written report.

CLERK’S REPORT - UPCOMING MEETING DATES

April 17 Public Property Committee Meeting, 6:30 p.m.
April 24 Regular City Council Meeting, 7 p.m.
 Year-End City Council Meeting

APPOINTMENT – DANIEL KAZY-GAREY/CHIEF OF POLICE

Moved by Hay, seconded by Logan to approve the appointment of Daniel Kazy-Garey as Chief of Police and to authorize the Mayor’s execution of any necessary documents. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Motion approved eight to zero.

Clerk Wells administered the Oath of Office to Chief Kazy-Garey.

DEPARTMENT HEADS REPORTS

Smith Engineering & Dept. Heads Reports as submitted.

NO REPORTS

Attorney Arévalo, Treasurer Meseck and Aldermen Hay, Perkins, Adams, Szczap, Ulmer, Marzahl and Leyden had no report at this time.

At 7:30 p.m., moved by Logan, seconded by Hay to go into Closed Session after a brief recess to discuss Section 2(c)(11) Litigation. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Motion approved eight to zero.

At 7:47 p.m., moved by Perkins, seconded by Logan to reconvene the Open Session. Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Marzahl, aye. Motion approved eight to zero.

At 7:48 p.m., moved by Logan, seconded by Perkins to adjourn the meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Logan, Adams, Perkins and Hay. All ayes. Motion carried.

Submitted by:

Andy Wells,
City Clerk

_____ Date